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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,691	01/24/2002	Randall B. Smith	SUN-P7400-RSH	1038

22835 7590 03/30/2004

PARK, VAUGHAN & FLEMING LLP  
508 SECOND STREET  
SUITE 201  
DAVIS, CA 95616

EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

10

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/056,691

Applicant(s)

SMITH, RANDALL B.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-17,19-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,19-27,29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 11, and 21 applicant recites "... across the display area...". It is not clear what the display area is and what it pertains to. Whether the display area is the physical display area on the surface of the monitor or the area which is representative of the area pertaining to the area of an object or the area of an image needs further clarification.

Claims 2- 7, 9- 10, 12- 17, 19- 20, 22- 27, and 29 are also indefinite because they depend on indefinite antecedent claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 4, 6- 14, 16- 24, and 26- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaizuka et al (US Patent 6,396,507), hereinafter, Kaizuka.

As per claim 1, 11, and 21 Kaizuka teaches a computational device see for example figure 1 block 7; a display within the computational device see for example figure 2 block 17; a magnifier within the display see for example figure 2 block 19; receiving a movement command (request signal) from a user to move a location of the magnifier within the field of view see for example column 9 lines 57- 59; and in response to the movement command, reducing the magnification factor of the magnifier, so that a larger portion of the field of view becomes visible within the magnifier to facilitate navigating the magnifier to a desired location see for example column 9 lines 60- 65.

Kaizuka does not expressly teach reducing the magnification factor involves reducing the magnification factor by a factor that is proportionate to a drag speed of the magnifier across the display area so that the onset of magnification is gradual, whereby the faster the magnifier is moved, the more the magnification level is reduced.

However, the enlargement simply occurs when the magnifier moves on top of text on which it moves. Therefore the speed of the magnification factor is proportionate to the magnified text underneath being enlarged. Furthermore the faster the magnifier is moved, the faster the text that immediately is uncovered by the magnifier is reduced in magnification. At the same time, magnification (onset magnification) is a time based

function (gradual) performed by the CPU. In other words only the text which is covered by the magnifier will be magnified and the text which is immediately uncovered by the magnifier will be reduced in size which fairly reads on the added limitation.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to reduce the magnification factor by reducing the magnification factor by a factor that is proportionate to a drag speed of the magnifier across the display area to further enhance the device and therefore make the device a user friendly and versatile one to utilize.

As per claims 2, 12, and 22 Kaizuka teaches receiving a cessation of movement command (request signal) from the user indicating that movement of the magnifier has ceased; and in response to the cessation of movement command, restoring the magnification factor of the magnifier to an original magnification factor (returning the enlarged image to the original image) see for example column 11 lines 5- 10.

As per claims 3, 13, and 23 Kaizuka teaches the movement command is a mouse drag event and the cessation of movement command is a mouse button up event see for example column 11 lines 11- 20 and column 14 lines 7- 14.

As per claims 4, 14, and 24 Kaizuka teaches when the magnification factor is reduced, the method further comprises visually indicating a boundary of a magnified region within the magnifier, wherein the magnified region becomes visible in magnified form (figure 3a block 32 as the zooming target) when the magnification factor is restored to an original magnification factor see for example column 15 lines 5- 14.

As per claims 6, 16, and 26 Kaizuka teaches reducing the magnification factor

involves reducing the magnification factor to one so that the magnifier no longer obscures portions of the field of view located under the magnifier (figure 3a block 32 as the zooming target) see for example figures 3a- e and column 15 lines 5- 14.

As per claims 7, 17, and 27 Kaizuka teaches the movement command is a command that selects the magnifier in preparation for moving the magnifier (dragging the mouse) see for example column 11 line 14- 20 and column 17 lines 10- 20.

As per claims 9, 19, and 29 Kaizuka teaches the magnifier is a window that the user can move about the field of view see for example figures 3 a- e.

Claims 5, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaizuka et al in view of Hanson et al (US 2003/ 0098845), hereinafter, Hanson.

As per claims 5, 15, and 25 Kaizuka teaches visually indicating the boundary of the magnified region.

However, Kaizuka does not teach visually indicating the boundary of the magnified region involves modifying the appearance of regions within the magnifier that are located outside of the magnified region, wherein the modification involves grey shading, modifying color or modifying translucence.

Hanson teaches visually indicating the boundary of the magnified region involves modifying the appearance of regions within the magnifier that are located outside of the magnified region, wherein the modification involves modifying color see for example pages 2- 3 paragraph [0021].

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings Hanson into Kaizuka to make a

moveable output device configured for movement across a primary display surface so as to receive an enhanced output compared to the primary display output see for example page 1 paragraph [0007].

### ***Response to Arguments***

Applicant's arguments filed 03/19/2004 have been fully considered but they are not persuasive.

As per applicant's remarks, applicant argues on page 9 that the prior art made of the record teaches **enlarging or reducing a fixed area on the display image**.

Applicant's newly amended independent claims state "reducing the magnification factor ...the magnifier **across the display area** so that the onset of magnification is gradual, whereby the faster the magnifier is moved, the more the magnification level is reduced".

The examiner points out that the display area of any given display is a constant area and makes a reference to a fixed area on the display image at all times. It is clear that in order to do any sort of magnification (or reduction of magnification) of data over the display area the magnifier would move over and across a medium for performing the task of magnification (or reduction of magnification).

As per the office action dated 02/27/2004 the office action recites "the enlargement occurs when the magnifier **moves on top of the text** on which it moves".

The examiner broadly interprets movement of the magnifier on top the text to the dragging action being performed by the applicant across the display area. The examiner also broadly interprets drag speed of the magnifier to the "speed of magnification" pertaining to magnifier movement.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



### **Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305-5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

March 25, 2004



**MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**